

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TOLEDO MACK SALES &  
SERVICE, INC.,

Plaintiff,

v.

MACK TRUCKS, INC.

Defendant.

Civil Action No. 2:02-CV-04373-RLB

JURY TRIAL DEMANDED

MACK TRUCKS, INC.,

Counterclaim  
Plaintiff,

v.

TOLEDO MACK SALES & SERVICE,  
INC.,

Counterclaim  
Defendant.

JURY TRIAL DEMANDED

**EXHIBITS MOVED INTO EVIDENCE  
BY DEFENDANT/COUNTERCLAIM PLAINTIFF  
MACK TRUCKS, INC.**

Exhibit "A" (Demonstrative – TM's Average Growth Rate '85 – '88)	Exhibit "B" (Demonstrative – TM's Average Growth Rate '86 – '88)	Exhibit "C" (Demonstrative – Mack's Average Growth Rate '85 – '88)
Exhibit "E" (Demonstrative – TM and Mack Growth Rate)	DX 2	DX 3
DX 19	DX 35	DX 37
DX 42	DX 43	DX 57
DX 58	DX 60	DX 91

DX 94	DX 106 (Yavari Dep. Ex. 4)	DX 122 (Yavari Dep. Ex. 22)
DX 127 (Yavari Dep. Ex. 5)	DX 138 (Yavari Dep. Ex. 6)	DX 151 (Yavari Dep. Ex. 7)
DX 154 (Yavari Dep. Ex. 24)	DX 155	DX 156 (Yavari Dep. Ex. 8)
DX 158	DX 164	DX 168
DX 169	DX 171	DX 174 (Yavari Dep. Ex. 9)
DX 188	DX 196	DX 199 (May Dep. Ex. 2)
DX 206 (Yavari Dep. Ex. 10)	DX 216 (Yavari Dep. Ex. 17)	DX 224
DX 226 (Yavari Dep. Ex. 25)	DX 230	DX 235
DX 245	DX 260 (Yavari Dep. Ex. 42)	DX 272 (Yavari Dep. Ex. 26)
DX 296	DX 303 (Yavari Dep. Ex. 27)	DX 316 (Yavari Dep. Ex. 28)
DX 322 (Yavari Dep. Ex. 11)	DX 323	DX 326 (Yavari Dep. Ex. 12)
DX 327 (Yavari Dep. Ex. 13)	DX 339 (Yavari Dep. Ex. 45)	DX 340 (Yavari Dep. Ex. 29)
DX 347	DX 348 (May Dep. Ex. 4)	DX 349
DX 354	DX 356 (May Dep. Ex. 3)	DX 375 (Yavari Dep. Ex. 41)
DX 393 (Yavari Dep. Ex. 14)	DX 405	DX 406 (Yavari Dep. Ex. 3)
DX 415 (Dealer Term. Ex. 112)	DX 423	DX 426
DX 429	DX 430	DX 437
DX 456 (Dealer Term Ex. 79)	DX 476 (Dealer Term Ex. R-64)	DX 483
DX 496	DX 498 (Yavari Dep. Ex. 2)	DX 499
DX 506 (May Dep. Ex. 1)	DX 509	
DX 523	DX 524	DX 525
DX 534	DX 605	DX 607
DX 707	DX 725	DX 778
DX 780	DX 781	DX 784
DX 785	DX 786	DX 787
DX 795	DX 796	DX 797
DX 802	DX 803	DX 804
DX 805	DX 810	DX 831
DX 844	DX 850	DX 868
DX 879	DX 880	DX 905
DX 907	DX 925	DX 933
DX 934	DX 935	DX 936
DX 937	DX 938	DX 939
DX 940	DX 941	DX 942
DX 943	DX 944	DX 945
DX 946	DX 947	DX 948
DX 949	DX 971	DX 972
DX 973	DX 974	DX 975
DX 976	DX 977	DX 978
DX 979	DX 980	DX 981
DX 982	DX 983	DX 984
DX 985	DX 986	DX 987

DX 988	DX 989	DX 990
DX 991	DX 992	DX 993
DX 994	DX 995	DX 996
DX 997	DX 998	DX 999
DX 1000	DX 1001	DX 1002
DX 1003	DX 1004	DX 1005
DX 1006	DX 1007	DX 1008
DX 1009	DX 1010	DX 1011
DX 1012	DX 1013	DX 1014
DX 1015	DX 1016	DX 1017
DX 1018	DX 1019	DX 1020
DX 1021	DX 1022	DX 1023
DX 1024	DX 1025	DX 1026
DX 1027	DX 1028	DX 1029
DX 1030	DX 1031	DX 1032
DX 1033	DX 1034	DX 1035
DX 1036	DX 1037	DX 1038
DX 1039	DX 1040	DX 1041
DX 1051	DX 1053	
DX 1056	DX 1067	DX 1070
DX 1075	DX 1083	DX 1088
DX 1090	DX 1131	DX 1171
DX 1203	DX 1210	DX 1213
DX 1215	DX 1232 (Yavari Dep. Ex. 15)	DX 1243
DX 1254	DX 1255	DX 1257
DX 1258	DX 1260	DX 1265
DX 1292	DX 1313 (Yavari Dep. Ex. 36)	DX 1314 (Yavari Dep. Ex. 37)
DX 1315 (Yavari Dep. Ex. 38)	DX 1316 (Yavari Dep. Ex. 39)	DX 1317 (Yavari Dep. Ex. 40)
DX 1322	DX 1323	DX 1353
DX 1371	DX 1402	DX 1403
DX 1404	DX 1408	DX 1409
DX 1413	DX 1414	DX 1415
DX 1416	DX 1417	DX 1418
DX 1419	DX 1420	DX 1421
DX 1423	DX 1424	
DX 1425	DX 1426	DX 1427
DX 1428	DX 1429	DX 1430
DX 1431	DX 1433	DX 1434
DX 1435	DX 1436	DX 1437
DX 1438	DX 1439	DX 1440
DX 1441	DX 1442	DX 1443
DX 1444	DX 1445	DX 1449
DX 1450	DX 1451	DX 1452
DX 1453	DX 1454	DX 1456

DX 1457	DX 1458	DX 1459
DX 1460	DX 1461	DX 1462
DX 1463	DX 1464	DX 1465
DX 1466	DX 1468	DX 1469
DX 1470	DX 1471	DX 1472
DX 1473	DX 1475	DX 1476
DX 1477	DX 1483	DX 1484
DX 1485	DX 1486	DX 1487
DX 1488	DX 1489	DX 1490
DX 1494	DX 1495	DX 1496
DX 1497	DX 1498	DX 1498A
DX 1499	DX 1500	DX 1501
DX 1502	DX 1503	DX 1504
DX 1505	DX 1506	DX 1507
DX 1508	DX 1509	DX 1510
DX 1512	DX 1513	DX 1514
DX 1515	DX 1516	DX 1517
DX 1518	DX 1519	PX 23
PX 52 (Dealer Term Ex. P-92)	PX 86	PX 117
PX 127 (Dealer Term Ex. P-111)	PX 128	PX 141
PX 142	PX 143	PX 204
PX 245	PX 247 (Dealer Term Ex. P-113)	PX 250
PX 263	PX 363 (Yavari Dep. Ex. 23)	PX 409
PX 426	PX 437	PX 438
PX 439	PX 440	PX 441
PX 442	PX 443	PX 444
PX 445	PX 446	PX 481
PX 493	PX 494	PX 601
PX 608 (Dealer Term. Ex. P-90)	PX 617	PX 618 (Dealer Term Ex. 109)
PX 665	PX 669	PX 674
PX 715	PX 736 (Dealer Term Ex. 94)	PX 740 (Dealer Term Ex. 95)
PX 747 (Dealer Term Ex. 96)	PX 1103	PX 1105

PX 1106	PX 1277	PX 1293
PX 1294		

Respectfully submitted,

/s/ Jeremy Heep

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Attorneys for Defendant/Counterclaim Plaintiff  
Mack Trucks, Inc.

Dated: October 4, 2006

**CERTIFICATE OF SERVICE**

I, Barak A. Bassman, hereby certify that on October 4, 2006 a true and correct copy of the foregoing Exhibits Moved Into Evidence by Defendant/Counterclaim Plaintiff Mack Trucks, Inc. for Reconsideration, was served via hand delivery upon the following:

Wayne Mack  
J. Manly Parks  
Duane Morris LLP  
30 South 17<sup>th</sup> Street  
Philadelphia, PA 19103

/s/ Barak A. Bassman  
Barak A. Bassman